

MAGISTRATE COURT OF GRADY COUNTY
STATE OF GEORGIA
24 3rd Avenue NE Cairo, GA 39828 / (229) 377-4132

Case No.: _____

Plaintiff

vs.

**AFFIDAVIT FOR FORECLOSURE
OF PERSONAL PROPERTY**

Defendant

Personally appeared _____ who, on oath, says that he/she is the [] Plaintiff(s) [] Agent ; [] Attorney-at-Law; for Plaintiff(s); and is authorized to make this Affidavit, and that Defendant(s) herein, whose address is set forth above and Plaintiff says the Defendant is in default under a lease agreement or security agreement for the following property:

and is indebted to said Plaintiff(s) in the amount(s) of: (fill in amounts as applicable) Principal (\$ _____); (\$ _____) interest thereon. The Plaintiff further states that the original thereof, or a true copy of same, is attached hereto and made a part hereof, and that said indebtedness is past due, and that the Defendant(s) is/are either now a resident of Grady County, Georgia, or was a resident thereof at the date said writing was executed, and that this affidavit is made for the purpose of foreclosing indebtedness together with interest thereon and all costs of these proceedings.

[] **Check if Applicable** (Affiant alleges that the security interest at issue arose out of a "commercial claim" as defined by Code Section 44-14-237, as amended, and that the Defendant(s) has waived same or all of the rights and provisions contained in Code Section 44-14-230, a copy of such waiver shall be attached hereto and such attachment shall be construed as an allegation, under oath, of such waiver.)

STATE OF GEORGIA, GRADY COUNTY:

_____, being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by Defendant to Plaintiff, exclusive of all set-offs and just grounds of defense.

Sworn and subscribed before me

This _____ day of _____, 20_____.

Plaintiff/Agent (Attorney for Plaintiff)

Notary Public, Clerk

NOTICE AND SUMMONS

TO: ALL DEFENDANTS

You are hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of Grady County, **within (7) days from the date of service of the within affidavit and summons, or on the first business day thereafter if the seventh day falls on a Saturday, a Sunday, or a legal holiday, then and there to answer said affidavit in writing or orally.** If the Defendant(s) fails to answer on or before the seventh day from the date of service, the Defendant(s) may reopen the default as a matter of right by making an answer within seven (7) days after the date of the default notwithstanding the provisions of O.C.G.A. 9-11-55. If the seventh (7) day is a Saturday, a Sunday, or a legal holiday, the answer may be made on the next day which is not a Saturday, a Sunday, or a legal holiday. If the answer is not so made, a writ of possession shall issue against Defendant(s) as by law provided, pursuant to Plaintiff(s)' affidavit.

Magistrate/Clerk/Deputy Clerk, Grady County

The purpose of this form is to allow any person holding a security interest on personal property and wishing to foreclose on the security interest to make a statement under oath by affidavit, either in person or by that person's agent, attorney-in-fact or attorney at law, for a writ of possession before any judge of the magistrate or a clerk of the Magistrate Court, within the county where the debtor may reside or where the secured property is located.

The Affidavit contains a summons as prescribed in code section 44-14-232. The summons shall be served upon defendant(s) by county sheriff, deputy or marshal, or any lawful constable of the county where the debtor resides or the secured property is located.

The summons will command and require that the defendant answer either orally or in writing within seven (7) days from the date of the actual service unless the seventh day is a Saturday, a Sunday, or a legal holiday, in which case the answer may be made on the next day which is not Saturday, a Sunday, or a legal holiday.